

Art Unit: 3774

DETAILED ACTION

Response to Amendment

1. The reply filed on May 30, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):
 - a. The current copy of the claims (filed May 30, 2008) does not match the previous copy of the claims (filed January 30, 2008). There are portions that have been modified (e.g., added or deleted), without an indication (i.e., additions, ~~deletions~~) of such amendment to the claims. As an example, claim 80 contains new subject matter that has not been underlined: “wherein said spinal implant is rotatably coupled with said elongate member **and is rotatable relative to said elongate member about said longitudinal axis to align said second transverse dimension along said select height of the intervertebral space to provide controlled compression of said spinal fusion implant**” (see last five lines). This does not comply with 37 CFR 1.121.
 - b. The Applicant is respectfully requested to review all of the claims for (potential) similar problems.
2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (9:00 a.m.-7:00 p.m.), first Friday of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on **(571)272-4749**. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Javier G. Blanco/

Examiner, Art Unit 3774

/Dave Willse/

Primary Examiner, Art Unit 3738